



DEP & RET

PATENT & TRADEMARK OFFICE Docket No.: 1046.1192

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2005 JUL 26 10:00 AM

In re the Application of:

Jun ASADA

US PATENT & TRADEMARK
OFFICE

Serial No. 09/158,076

Group Art Unit: 2611

Confirmation No. 3503

Filed: September 22, 1998

Examiner: Lonsberry, Hunter B.

For: LOCAL AREA INFORMATION TERMINAL DEVICE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION
REQUESTING REFUND

Sir:

On May 24, 2004, a Final Office Action (Action) was mailed in this application.

A Response To the Final Office Action and Request For Reconsideration was filed August 24, 2004 (Response) and included a request that final status of the action mailed May 24, 2004 should be withdrawn since the Action was incomplete in that the Action did not respond to many of Applicant's arguments previously filed, including the nonapplicability of the art,

A Notice of Appeal was also filed on August 24, 2004.

After filing of the Response:

1) A call was made to the United States Patent and Trademark Office (USPTO), specifically to the Examiner, requesting the status of this application by Applicant's counsel on December 6, 2004. The Examiner stated that he had not yet completed examination of the Response;

2) Another call was made to the Examiner on January 25, 2005. The Examiner indicated that he has reviewed the Response and had decided to withdraw the finality of the Action and reissue a new non-final Office Action; and

3) Another call was made to the Examiner on March 23, 2005 who indicated that the nonfinal Office Action was still forthcoming and to consider any delay in prosecution on the

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part of the USPTO, and that the same would also be documented in an Interview Summary.

An Advisory Action was never mailed nor was an Interview Summary provided.

Since an issue of an action was never provided by the Examiner to keep the application alive, a Request for Continued Examination (RCE) along with a Petition for an extension of time for an additional five months was filed on the fully extended deadline of March 24, 2005.

Because of the delay in processing the Amendment by the USPTO, the RCE and extension of time fee had to be filed. The delay by the USPTO was the proximate cause for the extension and the RCE. The RCE (\$790.00) and the petition for five-month extension of time (\$1240.00) caused unnecessary fees of \$2,050.00.

It is requested that the fees for the RCE and the extension of time in the amount of \$2,050.00 be refunded. total.

Accordingly, it is respectfully requested that the above-noted amount be credited to Deposit Account No. 19-3935 and that the Patent Office acknowledge this credit in writing to the undersigned.

Respectfully submitted,

STAAS & HALSEY LLP

Date: July 20, 2005

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RCE
EWS

S&H Form: PTO/SB/30 (12/04)

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

(INCLUDING FILING FEE AND/OR PETITION FOR
EXTENSION OF TIME FEE)

Subsection (b) of 35 U.S.C. §132, effective May 29, 2000
provides for continued examination of a utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA)

| | | | |
|---|--|--------------------------------|----------------------|
| To: Commissioner for Patents Box RCE PO Box 1450 Alexandria, VA 22313-1450 | | Attorney Docket No.: 1046.1192 | |
| First Named Inventor | Jun ASADA | | |
| Application No. | 09/158,076 | Group Art Unit | 2611 |
| Filing Date | September 22, 1998 | Examiner | Lonsberry, Hunter B. |
| CPA Filing Date | | Confirmation No | 3503 |
| Title of Invention | LOCAL AREA INFORMATION TERMINAL DEVICE | | |

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

1. **Submission required under 37 C.F.R. §1.114 (Box a or b must be completed)**

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on ____
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on ____

iii. ☐ Other

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §103(c) for a period of ____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required).

b. ☐ Other

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13/25/2005 TLWU11 00000011 09158076

01 FC:1801 790.00 OP

03/25/2005 TLWU11 00000011 09158076

02 FC:1252 450.00 OP

Adjustment Date: 09/23/2005 SDIRETA1
04/05/2005 DBUTLER 00000001 193935 09158076
01 FC:1253 1710.00 CR -450.00 OP
02 FC:1201 200.00 CR

Adjustment date: 09/23/2005 SDIRETA1
03/25/2005 TLWU11 00000011 09158076
01 FC:1801 -790.00 OP

Repln. Ref: 09/23/2005 SDIRETA1 0011121000
DAH:193935 Name/Number:09158076
FC: 9204 \$1240.00 CR